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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 United States Of America,
12
13 Plaintiff,
14 v.
15 Michael Anthony Cernak,
16 Defendant.

Case No. 2:03-cr-534-KJD-RJJ

**Stipulation to Continue
Supplement Deadline to
Motion for Compassionate
Release**

(Second Request)

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19 IT IS HEREBY STIPULATED AND AGREED, between Assistant United
20 States Attorney Elizabeth O. White, counsel for the United States of America,
21 and Assistant Federal Public Defender Amy B. Cleary, counsel for Michael
22 Anthony Cernak, that the due date for Mr. Cernak's Supplement to Motion for
23 Compassionate Release (ECF No. 172), be extended from March 2, 2022, until
24 April 25, 2022.

25 This Stipulation is entered into for the following reasons:
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1. Undersigned counsel has confirmed Mr. Cernak was the victim of sexual assault by a Bureau of Prisons (BOP) correction officer who was then federally convicted for the crime under 18 U.S.C. § 2243(b)—Sexual abuse of a ward. *See United States v. Jack Chris Jackson*, Case No. 11-20630-CR-LENARD (S.D. Fla); Department of Justice Press Release, *U.S. Bureau of Prison Employee Pleads Guilty in Florida to Sexual Abuse of a Ward*, Dec. 20, 2011 (updated Aug. 24, 2015), <https://www.justice.gov/opa/pr/us-bureau-prisons-employee-pleads-guilty-florida-sexual-abuse-ward>. However, government counsel will not assist undersigned counsel in obtaining BOP records for the crime and subsequent investigation. Undersigned counsel therefore needs more time to investigate this crime and obtain whatever documentation may be accessible to provide to the Court.

2. The parties agree to the requested continuance.

3. Undersigned counsel has still not been able to arrange a confidential legal call with Mr. Cernak.

4. The additional time requested by this stipulation is made in good faith and not for purposes of delay.

This is the second request for a continuance of the supplement deadline.

DATED February 28, 2022.

RENE L. VALLADARES
Federal Public Defender

CHRISTOPHER CHIOU
Acting United States Attorney

By s/ Amy B. Cleary
AMY B. CLEARY
Assistant Federal Public Defender

By s/ Elizabeth O. White
ELIZABETH O. WHITE
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 United States Of America,
4 Plaintiff,

5 v.

6 Michael Anthony Cernak,
7 Defendant.
8

Case No. 2:03-cr-534-KJD-RJJ

ORDER

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10 IT IS THEREFORE ORDERED that upon consideration of Defendant's
11 Request to Extend Deadline for filing his Supplement to Motion for
12 Compassionate Release, that the Defendant's deadline to file his Supplement is
13 extended to April 25, 2022, and the Government will have 14 days from the day
14 the Supplement is filed, to file a response.

15 DATED this 28th day of February, 2022.

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18 UNITED STATES DISTRICT JUDGE
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